

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

EMG TECHNOLOGY, LLC, Plaintiff, v. AMICA MUTUAL INSURANCE COMPANY, Defendant.	Case No. 6:14-CV-94-MHS LEAD CASE
EMG TECHNOLOGY, LLC, Plaintiff, v. SAFELITE GROUP, INC. Defendant.	Case No. 6:14-cv-491-MHS Consolidated Case
EMG TECHNOLOGY, LLC, Plaintiff, v. PUBLIX SUPER MARKETS, INC., Defendant.	Case No. 6:14-cv-644-MHS Consolidated Case
EMG TECHNOLOGY, LLC, Plaintiff, v. RITE AID CORPORATION, Defendant.	Case No. 6:14-cv-646-MHS Consolidated Case

EMG TECHNOLOGY, LLC, Plaintiff, v. TEACHERS INSURANCE AND ANNUITY ASSOCIATION – COLLEGE RETIREMENT EQUITIES FUND, Defendant.	Case No. 6:14-cv-647-MHS Consolidated Case
EMG TECHNOLOGY, LLC, Plaintiff, v. TOYS “R” US-DELAWARE, INC., Defendant.	Case No. 6:14-cv-648-MHS Consolidated Case
EMG TECHNOLOGY, LLC, Plaintiff, v. GILT GROUPE HOLDINGS, INC., Defendant.	Case No. 6:14-cv-720-MHS Consolidated Case
EMG TECHNOLOGY, LLC, Plaintiff, v. SALLY BEAUTY SUPPLY LLC, Defendant.	Case No. 6:14-cv-721-MHS Consolidated Case

**DEFENDANTS SAFELITE GROUP, INC. AND TEACHERS INSURANCE AND
ANNUITY ASSOCIATION – COLLEGE RETIREMENT EQUITIES FUND’S
MOTION TO DISMISS PLAINTIFF’S FIRST AMENDED COMPLAINT**

Defendants Safelite Group, Inc. and Teachers Insurance and Annuity Association – College Retirement Equities Fund¹ hereby join Defendant Amica Mutual Insurance Company’s Motion to Dismiss Plaintiff’s First Amended Complaint (Dkt. 147) in its entirety and thus move under Federal Rule of Civil Procedure 12(b)(6) to dismiss Plaintiff’s First Amended Complaint (Dkt. 116) because Plaintiff’s asserted patents claim subject matter that is patent ineligible under 35 U.S.C. § 101 and are invalid.

¹ TIAA-CREF is not a separate legal entity, and the acronym TIAA-CREF is a trade name under which various TIAA- and CREF-affiliated entities do business.

Dated: November 6, 2014

Respectfully submitted,

By: /s/ Neil J. McNabnay

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SAFELITE GROUP, INC. AND
TEACHERS INSURANCE AND ANNUITY
ASSOCIATION – COLLEGE
RETIREMENT EQUITIES FUND**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the above and foregoing document has been served on November 6, 2014 to all counsel of record who are deemed to have consented to electronic service via the Court's CM/ECF system per Local Rule CV-5(a)(3).

*/s/ Chad B. Walker*_____